

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STEVEN CHARLES TINSLEY,

Petitioner,

v.

S. REVELL,

Respondent.

Case No. 05-cv-224-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 15) of Magistrate Judge Clifford J. Proud recommending that the Court deny petitioner Steven Charles Tinsley’s petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 (Doc. 1) for lack of jurisdiction because § 2241 is not available to Tinsley for the relief he seeks and because his petition may be mooted by his release from custody.

After reviewing a magistrate judge’s report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court notes that the copy of the Report the Clerk of Court sent to Tinsley at the last address he provided to the Court was returned as undeliverable. The Court construes Tinsley’s failure to keep the Court apprized of his current address as required by Local Rule 3.1 as a waiver of his right to object to the Report. In the absence of any objection, the Court has reviewed the entire file for clear error and finds that the

Report is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report (Doc. 15), **DISMISSES** Tinsley's *habeas corpus* petition (Doc. 1) for **lack of jurisdiction** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 5, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE